

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK  
AT CENTRAL ISLIP

-----X

In re:

Chapter 7

Case #: 8-13-74235-dte

JUSTIN WEEKS

Debtor.

-----X

ROBERT FIORITO,

Adv. Pro #: 8-13-08164-dte

Plaintiff,

-against-

JUSTIN WEEKS,

Defendant.

-----X

NOTICE OF SETTLEMENT OF ORDER

PLEASE TAKE NOTICE, that an Order for default judgment pursuant to Federal Rule of Bankruptcy Procedure (the "Bankruptcy Rules") 7055 (the "Order"), a true copy of which is annexed hereto, will be presented for signature on March 20th, 2014, at 12:00 noon, to the Honorable Dorothy T. Eisenberg, United States Bankruptcy Judge, United States Bankruptcy Court, Eastern District of New York at Central Islip, 290 Federal Plaza, Central Islip, New York 11722.

PLEASE TAKE FURTHER NOTICE, that objections to the Order, if any, must be (I) electronically filed with the Bankruptcy Court; (II) delivered to Judge Eisenberg's Chambers; and (III) served upon SEIDNER, ROSENFELD & GUTTENTAG, LLP., Attn: Larry Rosenfeld, Esq., no later than March 10th, 2014 at 12:00 noon at 403 Deer Park Avenue, Babylon, New York 11702, or the Court may enter the Order without further notice or hearing.

Dated: Central Islip, New York  
February 26th, 2014

SEIDNER, ROSENFELD & GUTTENTAG, LLP.  
Attorneys for plaintiff

By: 

LARRY ROSENFELD  
A member of the firm  
403 Deer Park Avenue  
Babylon, New York 11702  
(631) 661-5000

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK  
AT CENTRAL ISLIP

-----X

In re:

Chapter 7

Case #: 8-13-74235-dte

JUSTIN WEEKS

Debtor.

-----X

ROBERT FIORITO,

Adv. Pro #: 8-13-08164-dte

Plaintiff,

-against-

JUSTIN WEEKS,

Defendant.

-----X

**ORDER FOR DEFAULT JUDGMENT**  
**AGAINST DEFENDANT JUSTIN WEEKS**

Upon the complaint(the "Complaint"), dated September 18th, 2013, of Robert Fiorito (the "plaintiff")and the attorney for Plaintiff, Robert Fiorito, having appeared by his counsel, Larry Rosenfeld, Esq. of Seidner, Rosenfeld & Guttentag, LLP., at the hearing, dated November 14<sup>th</sup>, 2013 (the "Hearing"), seeking to exclude from defendant's chapter 7 application for bankruptcy his debt to plaintiff, in connection with amounts due and owing under a judgement entered in the County of Suffolk, State of N.Y. due to defendant's willfull and maliciously

injuring the plaintiff, and upon the motion (the "Motion") dated February 6<sup>th</sup>, 2014, seeking a default judgment against the defendant, Justin Weeks (the "Defendant") upon the failure of the defendant, to appear or oppose the Motion and on February 24<sup>th</sup>, 2014 at the hearing the court granted plaintiff's Motion for a Default Judgment for the failure of Defendant to respond to the Complaint and Motion, answer the Complaint, oppose the Motion or to appear at the Hearings; and Plaintiff being entitled to judgment against Defendant; and a Default Judgment having been Filed by this Court on February 24<sup>th</sup>, 2014 and Entered on February 25<sup>th</sup>, 2014 and Defendant is neither an infant nor incompetent or a member of the military; and further notice being neither necessary nor required; and Robert Fiorito, the Plaintiff, having commenced this adversary proceeding seeking judgment against the Defendant deeming his judgment as more particularly set forth in the Plaintiff's complaint dated September 18<sup>th</sup>, 2013 to be nondischargeable under 11 U.S.C. § 523(a)(6).

The plaintiff caused proper service of the complaint to be made upon the Debtor (pro se). The Debtor has defaulted in answering Plaintiff's Complaint and the default was noted on the record.

1

The Court has read the Plaintiff's affirmation dated September 18<sup>th</sup>, 2013 and it is satisfied that a prim a facie showing has been made that the debtor willfully and maliciously injured the plaintiff; therefore

**IT IS ORDERED**, that Plaintiff's Judgment dated February 8<sup>th</sup>, 2012 and entered February 16<sup>th</sup>, 2012 in the Supreme Court of the State of New York, County of Suffolk (Index Number: 17655/10) of \$54,978.18 plus interest and costs is deemed to be nondischargeable under 11 U.S.C. § 523(a)(6).

Dated: Central Islip, New York

---

DOROTHY T. EISENBERG  
U.S. Bankruptcy Judge